

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,
Plaintiff,

96-2273 (DRD)

v.

Heriberto Colon-Malave, et al
Defendants

Collection of Money

and

Municipio de Barranquitas,
Garnishee

RECEIVED AND FILED
101 APR 23 AM 10:58
U.S. DISTRICT COURT
CLERK'S OFFICE
SAN JUAN, P.R.

ORDER

Upon application for Writ of Continuing Garnishment and Notice thereof filed by plaintiff herein, and it appearing from the records of this Court in the above mentioned case that judgment was entered by this Court against co-defendant Heriberto Colon-Malave, and said co-defendant has failed to pay to the plaintiff the sum of money adjudged to be paid under said judgment;

And it appearing further that not less than 30 days has elapsed since demand on the co-debtor for payment of the debt was made and the judgment debtor has not paid the amount due;

NOW THEREFORE, IT IS ORDERED that the Clerk of the Court issue the Writ of Continuing Garnishment addressed to co-defendant's employer, Municipio de Barranquitas, which shall read as follows:

You are required by law to answer in writing, under oath, within ten (10) days of service of the writ, whether or not you

74

728

have in your custody, control or possession, any property owned by the debtor, including non-exempt, disposable earnings.

State whether or not you anticipate paying the co-debtor any future payments and whether such payments are weekly, bi-weekly or monthly.

You must file the original written answer to this writ within ten (10) days of your receipt of this writ with the United States District Clerk at: Federal Building, 1st Floor, Room 150, Carlos Chardon Avenue, Hato Rey, Puerto Rico, 00918. Additionally, you are required by law to serve a copy of this writ upon the co-debtor Heriberto Colon-Malave, Apartado 756, Bo. Quebrada Grande, Barranquitas, PR 00794 and upon the United States Attorney, Federal Building, Room 452, Financial Litigation Unit, Chardon Avenue, Hato Rey, Puerto Rico 00918. Under the law, there is property which is exempt from this writ of Garnishment. Property which is exempt and which is not subject to this order is listed on the Claim for Exemption Form that shall be attached to the writ.

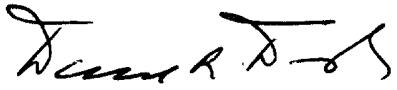
Pursuant to 15 U.S.C. §1674, Garnishee is prohibited from discharging the co-defendant from employment by reason of the fact that his earnings have been subject to garnishment for any one indebtedness. If you fail to answer this writ or fail to withhold property in accordance with this writ, the United States of America may petition the Court for an order requiring you to appear before the Court. If you fail to appear or do appear and fail to show

good cause why you failed to comply with this writ, the Court may enter a judgment against you for the value of the co-debtor's non-exempt property. It is unlawful to pay or deliver to the co-defendant any item attached by this writ.

IT IS FURTHER ORDERED that the Clerk of the Court issue a Notice of Post Judgment Garnishment in substantially the form provided in 28 U.S.C. Section 3202(b).

SO ORDERED.

In San Juan Puerto Rico, this 22 day of April, 2002.


DANIEL R. DOMINGUEZ
UNITED STATES DISTRICT JUDGE